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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,504	01/21/2004	Yoshio Wakazono	247777US3	1487

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MORGAN, EILEEN P

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,504

Applicant(s)

WAKAZONO ET AL.

Examiner

Eileen P Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with errors. The phrase 'right under' throughout the claims is unclear. In addition, claim 1, line 10, 'the lower' lacks antecedent basis. How is the coolant collecting device different from the horizontal vent? The phrase 'at least a portion thereof' is unclear. Portion of what? Thereof refers to what? Isn't the coolant 'inlet' the coolant collecting vent? Cl. 2, both 'ends' of what? This lacks antecedent basis. What does 'mid portion' refer to? Claims 1 and 2 refer to a first and second horizontal direction. Claim 2 is unclear are both directions being recited? It is unclear because the first part of the claim refers to one direction and the second part refers to the other. Claim 3 is totally unclear. What does 'bodied' mean? 'Forward upper portion' is unclear. In reference to what? 'upright extending in said first direction' is unclear. 'their side surfaces' is unclear and lacks antecedence. 'to those' is unclear. What is 'those'? 'both ends of said workpiece' lacks antecedence. What does 'are released from being secured' means? The rest of the claims have many problems with antecedent basis and structural references, too numerous to mention each one. Applicant must thoroughly review each claim and make corrections. Claim 8 is also unclear and has several 112 problems. 'takes as viewed from above a U-shape which opens' is totally unclear. "which opens at the rear" refers to what? The rear lacks antecedence. Thorough review and correction for all claims must be done.

Claim Rejections - 35 USC § 103(a)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,2,5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hessbruggen et al.-5,439,431 in view of Watanabe et al.-5,414,963.

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Hessbruggen et al. discloses a cylindrical grinding machine including a grinding wheel mounted for compound movement (first and second horizontal directions), a coolant supply and coolant collection located at a lower end of a work area to catch the used coolant including a collection vent (34) and a horizontal area (45) for storage within the bed. Hessbruggen et al. does not disclose wherein the workpiece is supported for rotation. However, this is a common mounting means for workpiece ground by a cylindrical grinder and in addition, Watanabe teaches a cylindrical grinder wherein the workpiece is mounted for rotation. Therefore, it would have been obvious to one of ordinary skill in the art at time invention was made to provide a rotatable workpiece mounting device, as taught by Watanabe, in the grinder disclosed by Hessbruggen et al. in order to rotate workpieces and thoroughly grind them with one mounting position.

Allowable Subject Matter

5. Claims 4, 9-14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eileen P Morgan whose telephone number is 571.272.4488. The examiner can normally be reached on Tuesday-Thursday (Office), Friday (Work at home).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571.272.4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EM
February 18, 2005

A handwritten signature in black ink, appearing to read 'EPM', is positioned above the printed name and title.

EILEEN P. MORGAN
PRIMARY EXAMINER